

AP/1774

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 15 2000
PATENT & TRADEMARK OFFICE
Serial No.: 09/016,707
Filed: JANUARY 30, 1998
Due Date: FEBRUARY 20, 2001
Title: SPHEROIDAL SLAG AND FLY ASH PARTICLES AND APPARATUS AND PROCESS FOR PRODUCING SAME

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: BOX NON-FEE AMENDMENT, Assistant Commissioner for Patents, Washington, D.C. 20231, on December 11, 2000.

By: Patricia Cupa
Patricia Cupa

BOX NON-FEE AMENDMENT
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

We are transmitting herewith the attached:

- Transmittal Sheet in duplicate containing Certificate of Mailing
 Response
 Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300

By: Bruce E. Black
Name: Bruce E. Black
Reg. No.: 41,622
BEB:PSTpmc



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09/016,707

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Meyer	Examiner:	B. Shewareged
Serial No.:	09/016,707	Group Art Unit:	1774
Filed:	January 30, 1998	Docket No.:	13132.3US01
Title:	SPHEROIDAL SLAG AND FLY ASH PARTICLES AND APPARATUS AND PROCESS FOR PRODUCING SAME		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: BOX NON-FEE AMENDMENT, Assistant Commissioner for Patents, Washington, D.C. 20231 on December 11, 2000.

By: *Patricia Cagan*

Name: *Patricia Cagan*

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RESPONSE

BOX NON-FEE AMENDMENT
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In reply to the Office Action dated November 20, 2000, the following remarks are provided:

Remarks

This Amendment is submitted in response to the Office Action dated November 20, 2000.

Claims 1-8, 51, and 52 are pending.

Rejection under 35 U.S.C. §112, second paragraph

Claims 1-8, 51, and 52 were rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite based on the use of the term "prepared from". The Office Action asserts that it is not clear "if the particles are treated coal slag or coal fly ash before application of the outer shell." The Applicant respectfully disagrees and submits that the term used in the claim is clear, particularly in view of the Applicant's specification. The Applicant submits that the term

"prepared from" has been selected to indicate that coal fly ash or coal slag is the source material for the particles. The specification describes one method of preparing the particles in which the coal fly ash or coal slag is heated, as described, for example, on page 6, line 20 to page 9, line 31. It will be also be recognized that the Applicant has indicated that the coal fly ash or coal slag can be combined or treated with adjuvants and additives as described on page 10, lines 1-17.

Because the Applicant's claims satisfy 35 U.S.C. §112, the Applicant respectfully requests that the rejection of these claims be withdrawn.

Conclusion

In view of the amendments to the arguments presented herein, the Applicant respectfully submits that each of the presently pending claims (claims 1-8, 51, and 52) is in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicant's representative at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
(612) 332-5300

DATE: December 11, 2000


Bruce E. Black
Reg. No. 41,622